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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/690,759	10/22/2003	William H. Advocate	FIS920030224US1	5365
23550 7590 08/22/2007 HOFFMAN WARNICK & D'ALESSANDRO, LLC 75 STATE STREET 14TH FLOOR ALBANY, NY 12207			EXAMINER BECKLEY, JONATHAN R	
			ART UNIT 2609	PAPER NUMBER
			MAIL DATE 08/22/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/690,759	ADVOCATE ET AL.	
	Examiner	Art Unit	
	Jonathan R. Beckley	2609	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>ALL</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 - 18 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by El-Gazzar et al. (U.S. Patent # 7,184,160 B2.)

Regarding Claim 1, El-Gazzar teaches a method of handling a facsimile image received by a facsimile system (Figure 1; Col. 3, lines 21-23), the method comprising the steps of:

comparing a junk fax image stored in a junk fax database to an incoming facsimile image (Col.3, lines 51-55); and

disposing of the incoming facsimile image in the case that the junk fax image matches at least a portion of the incoming facsimile image (Col. 5, lines 40-44; Col. 6, lines 24-28.)

Regarding Claim 2, El-Gazzar further discloses, wherein in the case that a match does not exist, the method further comprises the steps of:

determining whether the incoming facsimile image is of a junk fax (Col.4, lines 13-26); and

saving at least a portion of the incoming facsimile image as a junk fax image in the junk fax database in the case that the incoming facsimile image is of a junk fax (Col.4, lines 61-65; Col. 6, lines 18-35).

Regarding Claim 3, El-Gazzar further discloses, wherein the determining step includes:

displaying at least a portion of the incoming facsimile image (Column 6, lines 29-35), and

allowing a recipient to determine whether the incoming facsimile image is of a junk fax (Col. 7, lines 49-52).

Regarding Claim 4, El-Gazzar further discloses, wherein the junk fax image includes at least a portion of an analyzed facsimile image that has been designated as a junk fax (Col. 4, lines 18-35.)

Regarding Claim 5, El-Gazzar further discloses, wherein the junk fax image database includes a plurality of junk fax images, and the step of disposing occurs in the

case that at least one of the plurality of junk fax images matches at least a portion of the incoming facsimile image (Col. 5, lines 35-50.)

Regarding Claim 6, El-Gazzar further discloses, wherein the disposing step includes one of:

- a) deleting the incoming facsimile image (Col. 6, lines 24-28); and
- b) terminating (quarantined) communication of the incoming facsimile image to the facsimile system (Col. 6, lines 24-28; Col. 4, lines 53-61.)

Regarding Claim 7, El-Gazzar further discloses, wherein the method further comprises the steps of:

calculating a toner count of at least a portion of the incoming facsimile image (Column 4, lines 27-41); and processing the incoming facsimile image in the case that the toner count is below a threshold (Col. 4, lines 13-53.)

Regarding Claim 8, El-Gazzar further discloses, wherein the incoming facsimile image is generated by scanning a hard copy document (inherently met by the functionality of the facsimile device).

Regarding Claim 9, El-Gazzar teaches a facsimile system (Col. 3, lines 19-27) comprising:

a receiver configured to receive an incoming facsimile image (Figure 2); and

a junk fax analyzer (fax transformation processor) comprising:

a comparator configured to compare a junk fax image to the incoming facsimile image (Col.3, lines 51-55); and

a disposal configured to dispose of the incoming facsimile image in the case that the junk fax image matches at least a portion of the incoming facsimile image (Col. 5, lines 40-44; Col. 6, lines 24-28.)

Regarding Claim 10, El-Gazzar further discloses, wherein the junk fax analyzer further comprises a toner count calculator configured to calculate a toner count of at least a portion of the incoming facsimile image (Col. 4, lines 13-53.)

Regarding Claim 11, El-Gazzar further discloses, wherein the junk fax analyzer further comprises:

a junk fax determinator configured to determine whether the incoming facsimile image is a junk fax, and save at least a portion of the incoming facsimile image as a junk fax image in a junk fax database in the case that the incoming facsimile image is a junk fax (Col. 4, lines 13-26 and 61-65.)

Regarding Claim 12, El-Gazzar further discloses, wherein the junk fax determinator includes:

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a display configured to display at least a portion of the incoming facsimile image (Column 6, lines 29-35); and an interface configured to allow a recipient to input whether the incoming facsimile image is a junk fax (Col. 7, lines 49-52.)

Regarding Claim 13, El-Gazzar further discloses, wherein the junk fax determinator further comprises a selector configured to allow the recipient to select at least a portion of the incoming facsimile image to be saved as the junk fax image (Col. 4, lines 61-65; Col. 6, lines 31-35; and Col. 7, lines 49-52.).

Regarding Claim 14, El-Gazzar further discloses, wherein the junk fax image includes at least a portion of one of: an analyzed facsimile image from a previous communication to the facsimile system and an image of a hard copy document (Col. 6, lines 18-28.)

Regarding Claim 15, El-Gazzar further discloses, wherein the junk fax image includes a plurality of junk fax images, and the step of disposing occurs in the case that at least one of the plurality of junk fax images matches at least a portion of the incoming facsimile image (Col. 5, lines 35-44; Col. 6, lines 26-35.)

Regarding Claim 16 El-Gazzar further discloses, wherein the disposal includes:
a) means for deleting the incoming facsimile image (Col. 6, lines 24-35); and

b) means for terminating communication of the incoming facsimile image to the facsimile system (Col. 6, lines 24-35).

Regarding Claim 17 El-Gazzar teaches a computer program product comprising a computer useable medium having computer readable program code embodied therein for analyzing an image on a facsimile system (Col. 8, lines 15-30), the program product comprising:

program code configured to compare a junk fax image stored in a junk fax database to an incoming facsimile image (Column 7, lines 49-54); and
program code configured to dispose of the incoming facsimile image in the case that the junk fax image matches at least a portion of the incoming facsimile image (column 6, lines 20-28).

Regarding Claim 18 El-Gazzar further discloses, further comprising program code configured to determine whether the incoming facsimile image is of a junk fax in the case that a match does not exist, and save at least a portion of the incoming facsimile image as a junk fax image in a junk fax database in the case that the incoming facsimile image is of a junk fax (Col. 4, lines 13-65.)

Regarding Claim 20 El-Gazzar further discloses, wherein the disposing program code (Col. 6, lines 24-35) includes program code configured to conduct one of:

a) delete (discard) the incoming facsimile image (Col. 6, lines 24-35); and

b) terminate (quarantine) communication of the incoming facsimile image to the facsimile system (Col. 6, lines 24-35).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over by El-Gazzar et al. (U.S. Patent # 7,184,160 B2) in view of Martin (Pub No. 2004/0027605).

Regarding Claim 19, El-Gazzar does teach wherein the determining program code includes: program code configured to allow a recipient to input whether the incoming facsimile image is a junk fax (Column 6, lines 20-28).

El-Gazzar does not teach wherein the determining program code includes: program code configured to display at least a portion of the incoming facsimile image. Martin does teach wherein the determining program code includes: program code configured to display at least a portion of the incoming facsimile image (Page 2, Paragraph 34), therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to combine the teachings of El-Gazzar with Martin for the purpose allowing the user to externally view the image and give access to the

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user to easily delete unsolicited incoming fax data such as junk or spam without wasting ink and paper.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan R. Beckley whose telephone number is 571-270-3432. The examiner can normally be reached on Mon-Fri: 7:30-5:00 EST (Alternate Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hai Tran can be reached on 571-272-7305. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


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JB

20 August 2007


SCOTT E. BELIVEAU
PRIMARY PATENT EXAMINER